



## PREFACE

The parties agree and stipulate that the governing writ in this case is the writ of mandate filed on 10/17/2019.

The parties agree and stipulate that the administrative record filed by the City Attorney's office on behalf of the City of Los Angeles is relevant and admissible.

Petitioners have filed their own supplemental administrative record (Volume 1) on December 4, 2019 and Petitioners anticipate that Respondents will object to the same.

Petitioners have already filed their non-administrative exhibit records described as "Exhibits Volume 1" and Exhibits Volume 2 (Part 1) and Exhibits Volume 2 (Part 2) on 10/17/2019 and 10/22/2019 respectively.

The parties agree that ordering a new election is not an appropriate remedy, and that the disputes presented herein must be resolved by a determination by this court.

## INTRODUCTION

A publicly-funded election was held pursuant to Los Angeles City Ordinance 184526 (See **Exhibit 9**) on April 6, 2017 in order to determine if the Skid Row Neighborhood Council would be formed. The only authenticated and undisputed votes in this matter were the paper ballots which tally 183 "YES" votes to 19 "NO" votes. However, according to Respondents, when the unverified and now destroyed online vote count is factored into the tally, Petitioners lost the election by 60 votes.

Respondents failed to provide any proof of the online vote count evidence in this case in discovery; claim that any such evidence was destroyed for reasons of security; have failed to make any showing that there was a valid need to destroy said evidence; and vigorously opposed Petitioner's motion to compel such evidence, a motion which was denied by this court even though Respondents did declare under penalty of perjury that no such evidence existed.

Petitioners initially contested the online vote tally a few days after the election but well before the Department of Neighborhood Empowerment (DONE) certified the election results. Petitioners did exhaust all of the administrative remedies made available to them but none of those remedies allowed for the contest of the online vote tally.

1 A City-convened “Election Challenge Review Panel” found in favor of Petitioners’ three  
2 (3) election challenges and also recommended DONE perform an investigation but DONE  
3 rejected the panel’s findings; did no investigation at all; and certified the election in favor of  
4 Respondents.

## 6 **ARGUMENT**

7 Petitioners argue that this court order DONE to certify the election in favor of SRNC-FC  
8 for all of the reasons outlined in Petitioners Writ of Mandate filed on 10/17/2019 and pray for  
9 that relief, and other findings as follows;

- 10  
11 1. The Subdivision Ordinance requires the voting location be within the boundaries of the  
12 proposed neighborhood council and that votes cast anywhere outside those boundaries  
13 be voided and ordered removed from DONE’s final vote tally. *(Cause of Action 1)*
- 14 2. Neither the Subdivision Ordinance nor the City Council authorized the use of PUP’s  
15 (pop-up polls) thus all votes cast at any PUP be ordered void and removed from  
16 DONE’s final vote tally. *(Cause of Action 2)*
- 17 3. None of the twelve (12) PUP’s allowed votes to be cast by “self-affirming homeless”  
18 Stakeholders and thus all votes cast at those twelve (12) PUP’s should be ordered void  
19 and removed from DONE’s final vote tally. *(Cause of Action 3)*
- 20 4. Eight (8) of the PUPs had restrictive access, making it overly burdensome for low-  
21 income, homeless and/or intellectually disabled voters to enter the premises which is a  
22 violation of ADA compliance, among others, and therefore all votes at those locations  
23 should be ordered void from DONE’s final vote tally. *(Cause of Action 4)*
- 24 5. DONE cannot authenticate any online votes and therefore all of the online votes cast  
25 be ordered void and removed from DONE’s final vote tally. The only votes that have been  
26 authenticated are the paper ballot votes, and only those votes should be counted by DONE  
27 in their final vote tally. *(Cause of Action 5)*
- 28 6. All votes cast online were internet-connected therefore all “YES” and “NO” online  
votes should be ordered void from DONE’s final vote tally. *(Cause of Action 6)*

1 7. Both DONE and DLANC misrepresented facts, and ultimately DONE ignored its  
2 own Challenge Remedy process and also provided false and misleading information and  
3 metrics to the Election Challenge Review Panel, therefore DONE should be ordered to  
4 certify the election in favor of the SRNC-FC. (*Cause of Action 7- Administrative*)

5 **Petitioners have made a prima facie showing that the City of Los Angeles used**  
6 **deceitful tactics to intentionally undermine the election process, the election itself and**  
7 **the election results**

8 Petitioners have presented in their Writ overwhelming evidence of the many roles the  
9 City of Los Angeles played in undermining the SRNC-FC's efforts to legally create a Skid Row  
10 Neighborhood Council, and have demonstrated beyond reasonable doubt the existence of a  
11 deceitful collaborative alliance between members of the Downtown Los Angeles Neighborhood  
12 Council (DLANC), Department of Neighborhood Empowerment (DONE), Board of  
13 Neighborhood Commissioners (BONC), numerous City of Los Angeles employees (including  
14 top City officials), and other influential individuals and entities, in the lead up to, during, and  
15 after the 2017 Skid Row Subdivision election. This alliance ultimately amounted to unlawful  
16 actions and/or intentional inactions which prejudiced the SRNC-FC and resulted in an unfair  
17 election where the outcome was determined in advance, by Respondents and influenced by  
18 persons who pay and/or lobby them, which thereby created a climate of their collective need for  
19 a "desired outcome".

20 Petitioners have shown that a long-time City Hall insider named Ann D'Amato played a  
21 pivotal role in undermining the formation of the Skid Row Neighborhood Council by using a  
22 voter email list belonging to the DLANC (and not to herself, being that she was not a member),  
23 then sending out two email blast messages urging a "Vote NO" position in the election. At the  
24 time Ms. D'Amato engaged in these aforementioned activities, she was working for the City of  
25 Los Angeles through her consulting firm, 3D Networks, and received numerous lucrative  
26 contracts from the City for various services her company provided.

27 The rules governing neighborhood council elections strictly prohibit Ms. D'Amato's  
28 actions (which include illegal use of City-owned intellectual property), as Petitioners Writ  
explains. Ms. D'Amato has worked both for and with the City of Los Angeles since serving as  
Deputy Mayor for former Mayor Richard Riordan and more recently as Chief Advisor to

1 former Los Angeles City Attorney Rocky Delgadillo, who at the time of the election worked for  
2 lobbying firm Liner LLP urging “No” votes leading up to the election. Ms. D’Amato’s  
3 handwritten election voter registration form, obtained by Petitioners, shows she also considered  
4 herself as working for Liner LLP, which is evidenced by her listing “Liner” as her qualifying  
5 Stakeholder status then crossing that off and replacing it with the name of her own company  
6 “3D Networks” instead. Petitioners provided evidence proving Mr. Delgadillo lobbied various  
7 City of Los Angeles departments and employees, while working for Liner LLP on behalf of  
8 “United Downtown”, arguing and/or testifying against the formation of the Skid Row  
9 Neighborhood Council via an op-ed letter and public comments made during multiple City  
10 Council meetings.

11 Ms. D’Amato (and possible employees of 3D Networks and/or allies) sent two (2)  
12 separate “Vote NO” email blasts using two (2) different MailChimp accounts. This has been  
13 verified using IP addresses and additional search engine analytics. The first “Vote NO” email  
14 blast used the official City-owned DLANC logo and included the listing of a physical address  
15 registered to DLANC as a way to establish a City-endorsed validity to the “Vote NO” context.  
16 The second “Vote NO” email blast did not use the DLANC logo, but instead used a modified  
17 DLANC logo and listed a non-DLANC address but used the very same DLANC-generated  
18 email list except it added (appended) an additional nine (9) names of Board of Directors for the  
19 Downtown Industrial District Business Improvement District, of which Estela Lopez is the  
20 Executive Director and also who, at the time, was a sitting member on the Board of Directors  
21 for the DLANC. In other words, this second email list was the DLANC-generated email list  
22 with Estela Lopez’s personal additions appended to it.

23 “United Downtown” aka “Unite DTLA” is listed as having the exact same physical  
24 address as Liner LLP- “633 west 5th street, Suite 3200”. The phone number provided by Liner  
25 LLP for Unite DTLA is exactly the same as the long-standing main office number for  
26 Downtown Industrial District BID/CCEA- 213.228.8484, whose Executive Director was then-  
27 DLANC Board member Estela Lopez. “United Downtown” paid Liner LLP over \$45K (\$45  
28 thousand dollars) to lobby on its behalf against the SRNC-FC and its efforts to create the Skid  
Row Neighborhood Council.

1 Liner LLP self-identifies the “Office of the City Attorney”, the (Los Angeles) “City  
2 Council” and the (Department of) “City Planning” as whom they lobbied on behalf of United  
3 Downtown against the SRNC-FC.

4 City Councilmember Jose Huizar led the push for online voting through the City Council a  
5 mere 12 days before the election while prior to that publicly stating there would be no online  
6 voting. It should be noted that both Downtown LA and Skid Row are both represented by City  
7 Councilmember Jose Huizar. He also claimed the only voting location would be at the James  
8 Wood Community Center on election day and publicly stated there would be no voting outside  
9 the proposed boundaries as required by the Subdivision Ordinance. None of that turned out to  
10 be true. In fact, it was the complete opposite in each matter. So in essence, City  
11 Councilmember Jose Huizar lied in various instances during public meetings regarding the  
12 election process for the 2017 Skid Row Subdivision election.

13 During all of this time Eric Garcetti was (and is) Mayor of the City of Los Angeles, Mike  
14 Feuer was (and is) City Attorney and Petitioners have always considered the “City Attorney’s  
15 office” as an involved party and therefore should not be considered as “non-involved counsel”  
16 in this legal matter as it continues to represent the City of Los Angeles, which qualifies as a  
17 conflict of interest.

18 It should also be noted that Mayor Garcetti appointed then-General Manager of DONE  
19 (Grayce Liu) as well as each of the commissioners of BONC - of which all of the  
20 aforementioned were tasked with providing oversight of the 2017 Skid Row Subdivision  
21 election.

22 Further, Petitioners argue that Mayor Garcetti, City Attorney Mike Feuer, Los Angeles  
23 City Council (15 members, led in this matter by Jose Huizar) and others within the City of Los  
24 Angeles, each had/have significant financial interests involving real estate developers in the  
25 Downtown Los Angeles area, not the least of which are the campaign contributions made by  
26 these developers and property owners which influence the collective judgement of the City  
27 Council regarding the 2017 Skid Row Subdivision election. (See Exhibit Addendum “A” at  
28 pages 127-130) Although a new Skid Row Neighborhood Council would be advisory in nature,  
it’s recommendations can weigh heavily on future real estate development projects in the area.

Petitioners believe they have presented many facts establishing more than “coincidences” which appear highly unusual, improper, illegal and certainly enough to be considered strong circumstantial evidence that the City of Los Angeles acted corrupt to it’s core in regards to the governance of the 2017 Skid Row Subdivision election. This adds to the undeniable and irrefutable evidence also presented by Petitioners in their writ and exhibits which, in totality, all combine into an overwhelming display of evidence in favor of Petitioners requests for judicial relief.

### **PRAYER FOR RELIEF**

Specifically, Petitioners ask the court to craft an order with one or more of the following suggested remedies;

- 1) The City of Los Angeles is estopped from submitting its final vote tally into evidence, and the burden of proof to prove the SRNC-FC lost the 2017 Skid Row Subdivision election is upon the City of Los Angeles;
- 2) Unless the City of Los Angeles can prove otherwise, without valid proof of online voting tabulations, the only verified vote tally is the paper ballot count- 183 "YES" votes to 19 "NO" votes - and this should thereby be ruled as the official final vote count, thus ordering DONE to certify the 2017 Skid Row Subdivision election based on this vote tally as final.
- 3) Votes from some or all of the PUP’s be declared void (for the many reasons set forth in Petitioners Writ) and DONE ordered to remove these votes (both “YES” and “NO”, if applicable) from their final vote tally, or if unable to do so by reason of Respondents failure to preserve evidence, certify the election in favor of the SRNC-FC;
- 4) Votes not cast at the James Wood Community Center on election day, the only votes permitted by the Subdivision Ordinance, be voided and DONE ordered to recount their election results after said voidance;
- 5) Order DONE to certify the election in favor of the SRNC-FC or show good cause as to why it should not do so;

- 1 6) Order DONE to sustain each of the three (3) election challenges filed by the SRNC-FC,  
2 of which each was previously sustained by the official ruling of the Election Challenge  
3 Review Panel, but overturned by DONE without initiating an investigation, nor  
4 providing valid metrics to justify the highly-unusual act of completely ignoring it's own  
5 Challenge Remedy process, despite the ECRP hearing panel's recommendations to  
6 sustain;  
7 7) Any further relief this court deems just under the circumstances.

8  
9 **Awarding the SRNC-FC it's Neighborhood Council is an Appropriate Remedy**

10 Evidence carefully cataloged and put forth in this Writ, all of its exhibits including the  
11 "Addendum A" prove the City of Los Angeles through its various sub-parts (DONE, DLANC,  
12 BONE, City Attorney, etc.) are responsible for multiple misdeeds before, during and after the  
13 2017 Skid Row Subdivision election. DONE worked systematically with other City employees,  
14 Departments, offices and influential individuals to suppress the votes of mostly low-income,  
15 poor and homeless residents in Skid Row and their supporters, and Petitioner's evidence  
16 suggests when that didn't go according to plan, they simply made up the final vote tally  
17 numbers and declared that SRNC-FC didn't win, appearing to hope the SRNC-FC would never  
18 attempt to independently verify the announced results. Petitioners argue the only appropriate  
19 remedy should be to grant the SRNC-FC its own neighborhood council outright.

20 Respectfully Submitted,

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22 \_\_\_\_\_  
23 Grant Beuchel  
24 Attorney for the Skid Row Neighborhood Council-Formation Committee.  
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I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action; my business address is: 420 S. San Pedro Street #311 Los Angeles, California 90013

By delivering the same to:

**[x] (MAIL)** I am readily familiar with the firm's practice of collection and processing correspondence by overnight mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[ ] (BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to the offices of the addressee.

[ ] (FEDERAL) I declare that I am employed in the offices of a member of this Court at whose direction the service was made.

Executed on December 3, 2019, at Los Angeles, California.

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